

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ERICA BETTS, STEPHANIE LEWIS, DARRIN  
WHITEHEAD, LAVEARN THOMAS, DARREL  
AMOUR and NICOLA BARNES,

Plaintiffs,

v.

Case No. 02-73435

Honorable Julian Abele Cook, Jr.

COSTCO WHOLESALE CORPORATION,

Defendant.

ORDER

This is a case in which the Plaintiffs<sup>1</sup> accused the Defendant, Costco Wholesale Corporation, of violating their fundamental civil rights by maintaining a hostile work environment and knowingly committing acts of racial discrimination against them as employees. A lengthy trial resulted in a verdict on April 25, 2007 in which the jury (1) determined that three of the Plaintiffs, Darrell Amour, Stephanie Lewis and Lavearn Thomas, had been subjected to a hostile work environment by Costco, and (2) awarded damages to these three employees as compensation for their lost wages.<sup>2</sup> Lewis and Thomas also received an award of damages from the jury on their

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<sup>1</sup>The Plaintiffs in this matter are Erica Betts, Stephanie Lewis, Darrin Whitehead, Lavearn Thomas, Darrel Amour, and Nicola Barnes.

<sup>2</sup>Amour, Lewis and Thomas received \$9,320, \$4,640, and \$4,507, respectively.

emotional distress claims.<sup>3</sup> An appeal followed.

On March 5, 2009, the Sixth Circuit Court of Appeals rendered an opinion, in which it stated, in part, that

We uphold the jury's finding that Amour, Lewis and Thomas were subjected to a racially hostile work environment while employed [at Costco]. But the three employees are not entitled to recover damages for lost wages (because they did not lose any wages as a consequence of the unlawful conduct attributable to Costco) or emotional distress (because the evidence was insufficient to support such an award).

....  
For all of the reasons set forth [in our opinion], we reverse the award of damages for emotional distress to Lewis and Thomas, affirm the judgment of the district court in all other respects, and remand the case with instruction to award nominal damages to Amour, Lewis and Thomas on their hostile work-environmental claims.

Accordingly, the Court does, and must, vacate the prior jury award of damages that had been given to Lewis and Thomas. Furthermore, the Court will, and does, award nominal damages to Amour, Lewis, and Thomas in the respective sums of one dollar for each of these three Plaintiffs.

IT IS SO ORDERED.

Dated: March 26, 2009  
Detroit, Michigan

s/Julian Abele Cook, Jr.  
JULIAN ABELE COOK, JR.  
United States District Court Judge

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<sup>3</sup>The jury awarded Lewis \$15,000 and Thomas \$10,000 for their emotional distress claims.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on March 26, 2009.

s/ Kay Doaks  
Case Manager